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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,053	10/21/2003	Robert H. Folk II	D03085	3498

43471 7590 07/31/2008

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EXAMINER

POWERS, WILLIAM S

ART UNIT

PAPER NUMBER

2134

NOTIFICATION DATE

DELIVERY MODE

07/31/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/690,053	Applicant(s) FOLK, ROBERT H.	
	Examiner WILLIAM S. POWERS	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/8/2008 have been fully considered but they are not persuasive.
2. As to Applicant's argument that, "neither Barton nor Reese teaches 'determining whether the requested content resides in the encrypted form on a second hard disk recorder'" (Remarks, page 8, lines 24-26), the Examiner respectfully disagrees. The Examiner has used the Barton reference to teach the limitation of determining if the requested content is encrypted, see at least Barton [0085] which states, "the DVR maintains with the database object describing the media stream the copy protection information associated with the media stream (including whether the stream is stored encrypted)". In addition as admitted by the Applicant, all media content on the DVR hard disk is stored in an encrypted state and only decrypted when viewed, therefore if the requested content is found on any hard drive of the Reese as modified reference (Barton [0085]); it is determined to be encrypted by default. The Examiner views the linked DVRs of the Reese as modified reference as a single DVR with pooled resources as indicated in Reese [0027]. Therefore, a search for requested content is not limited to a particular DVR, but to the linked DVRs configured to act as a single DVR. For at least the reasons above, the rejection of the claims is maintained.
3. As to Applicant's argument that, "Barton *teaches away* from 'determining whether the requested content resides in the encrypted form on a second hard disk recorder' and 'displaying

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the requested content on a display device coupled to the first hard disk recorder”” (Remarks, page 9, lines 3-6), the Examiner respectfully disagrees. The determination of encryption is addressed above. The Applicant is directed to Barton [0092-0093] which shows an example of an update method between a portable DVR and a home DVR. In this case the portable DVR is viewed as the first DVR and the home DVR is the second DVR. The portable DVR receives programming updates and requested programming for viewing on the portable DVR. For at least the reasons above, the rejection of the claims is maintained.

Response to Amendment

Information Disclosure Statement

4. No Information Disclosure Statement has been submitted with the application.

Claim Objections

5. In light of Applicant's amendments, the previous objections to the claims have been withdrawn.

Claim Rejections - 35 USC § 112

6. In light of Applicant's arguments, the previous 35 USC 112, 1st paragraph rejection of claim 1 has been withdrawn.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2002/0141732 to Reese et al. (hereinafter Reese) in view of US Patent Application Publication No. 2003/0095791 to Barton et al. (hereinafter Barton).

As to claim 1, Reese teaches:

- a. Receiving a request to view content on a first hard disk recorder (Reese, paragraph [0021]).

Reese decodes video content (Reese, paragraph 12), but does not expressly mention the encryption schemes. However, in an analogous art, Barton teaches:

- b. Determining whether the requested content resides in an encrypted form on the first hard disk recorder, wherein the encrypted form comprises encryption via a local encryption scheme (Content is stored in encrypted form on a hard disk) (Barton, paragraph [0085]).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to implement the networked DVRs of Reese with the encryption scheme of Barton in order to protect video content from theft as suggested by Barton (Barton, paragraph [0085]).

Reese as modified further teaches:

- c. If the requested content does not reside on the first hard disk recorder, determining whether the requested content resides in the encrypted form (Barton, paragraph [0085]) on a second hard disk recorder (A DVRC in the network of Reese can act as a master device and a slave device simultaneously. Thus, the master DVRC can issue a control signal to itself (Reese, paragraph [0020]), and display the selected video image whether it resides on the master DVRC or from other DVRs or DVRCs in the network.) (Reese, paragraph [0023]).
- c. Decrypting the requested content via a local encryption scheme (Barton, paragraph [0080]).

- d. Displaying the requested content on a display device coupled to the first hard disk recorder (Reese, paragraph [0020]).

As to claim 2, Reese as modified teaches storing the requested content within a memory located within the first hard disk recorder (Reese, paragraph [0013]).

As to claim 3, Reese as modified teaches remotely accessing the requested content on the first hard disk recorder (master DVR can remotely control the slave DVRs) (Reese, paragraph [0012]).

10. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2002/0141732 to Reese et al. (hereinafter Reese) in view of US Patent Application Publication No. 2003/0095791 to Barton et al. (hereinafter Barton) as applied to claim 1 above, and further in view of US Patent Application Publication No. 2003/0051151 to Asano et al. (hereinafter Asano).

As to claim 10, Reese as modified teaches:

- a. Receiving the requested content on the first hard disk recorder from a content source (content downloaded from the service center over the internet) (Barton, paragraphs [0055-557]).

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Reese as modified teaches the use of session keys and other cryptographic keys to secure communications between the DVR and the service center, but does not expressly mention decrypting content and re-encrypting the content. However, in an analogous art, Asano teaches:

- b. Decrypting the requested content utilizing a decryption key received from the content source (downloaded contents that are encrypted are decrypted) (Asano, paragraph [0015]).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to implement the networked DVRs of Reese as modified with the decryption and re-encryption of downloaded content of Asano in order to be able to use content according to the license granted to the apparatus as suggested by Asano (Asano, paragraph [0015]).

Reese as modified further teaches:

- c. Re-encrypting the requested content utilizing the local encryption scheme (re-encryption is done with apparatus's own key) (Asano, paragraph [0015]).
- d. Storing the re-encrypted requested content in a shared memory (Barton, paragraph [0085]).

As to claim 11, Reese as modified teaches storing the re-encrypted content in a shared memory located within the first hard disk recorder (Barton, paragraph [0085]).

As to claim 12, Reese as modified teaches storing the re-encrypted content in a shared memory located within the second hard disk recorder (content stored on portable DVR) (Barton, paragraph [0092]).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM S. POWERS whose telephone number is (571)272-8573. The examiner can normally be reached on m-f 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. S. P./
Examiner, Art Unit 2134

William S. Powers
Examiner
Art Unit 2134

7/28/2008

/ELLEN TRAN/

Primary Examiner, Art Unit 2134